

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CATHY WILSON,

Plaintiff,

v.

CITY OF JERSEY CITY, JERSEY CITY
POLICE DEPARTMENT, *et al.*,

Defendants.

Civil Action No.: 13-cv-1753

OPINION AND ORDER

CECCHI, District Judge.

I. BACKGROUND

This case arises out of allegations by Cathy Wilson (“Plaintiff”) against the City of Jersey City, the Jersey City Police Department, and various fictitiously named defendants (collectively, “Defendants”), asserting violations of State and Federal law. (Compl.¹ at 1-9). Plaintiff filed the original Complaint in the Superior Court of New Jersey, Essex County on February 21, 2013 (Compl. at 1). On March 21, 2013, Defendants removed the action to this Court. (Defs. Notice of Removal² at 3). On August 28, 2013, Plaintiff filed a “Consent and Registration” form to receive documents electronically. (ECF No. 7). This was the last time Plaintiff made a filing with the Court on this matter.

¹ ECF No. 1-2.

² ECF No. 1.

Defendants allege that on September 30, 2013, they attempted to serve Plaintiff with a set of interrogatories and document demands. (Chambers Cert.³ ¶ 3). On February 6, 2014, the Court entered a Text Order⁴ directing Plaintiff to serve responses to the outstanding discovery demands by March 6, 2014. Defendants attempted to serve the Text Order upon Plaintiff on February 7 and February 10, but the certified and regular mail was returned and labeled by the Postal Service as “Not deliverable as addressed – unable to forward.” (Ex. D to Chambers Cert.). Defendants subsequently noticed the Zip Code written on Plaintiff’s Consent and Registration form was different than the Zip Code listed on the Complaint, and asked the Court for leave to re-serve to the address listed on the Consent and Registration form. (Ex. E to Chambers Cert.). On March 19 and 21, Defendants attempted to re-serve the Text Order upon Plaintiff at the address listed on the Consent and Registration form, but the mail was again returned and marked “Not deliverable as addressed – unable to forward.” (Ex. H to Chambers Cert.)

Pursuant to Local Rule 10.1(a), an unrepresented party is required to notify the Court of any change of its address. However, Plaintiff has not filed anything with the Court since August 28, 2013. Plaintiff has also failed to respond to Defendants’ discovery demands since September 30, 2014. Additionally, Plaintiff has not responded to Defendants’ Motion to Dismiss, which was filed on June 23, 2014.

WHEREAS it appears that Plaintiff has failed to comply with the Court’s February 6, 2014 Text Order; and

WHEREAS it appears that Plaintiff did not notify the Court of her change of address as

³ ECF No. 15-1.

⁴ ECF No. 11.

required under Local Rule 10.1(a); and

WHEREAS it appears that Plaintiff has been inactive in this case since filing its Consent and Registration Form over sixteen (16) months ago; and

WHEREAS the Court finds that the interests of judicial economy would be served by dismissing this action without prejudice

IT IS on the date hereof:

ORDERED that the above case be dismissed in accordance with L. Civ. R. 41.1 without prejudice and without cost to either party; and it is

ORDERED that the Clerk's office shall close this case.

DATED: 2/26/15



CLAIRE C. CECCHI, U.S.D.J.